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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 12th April, 1985:—

BILL NO. 5 OF 1985

A Bill to ban religious conversions in India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Ban on Religious Conversions Act, 1985.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Restriction on conversion by social and religious organisations.

2. No social or religious organisation shall convert a person from one religion to another until the person takes an oath before the District Magistrate that no force has been exerted on him or money has been paid to him for such conversion and he shall not convert from the religion to which he is now converting.

Prohibition on group conversion.

3. Group conversion from one religion to another shall be prohibited.

No publicity to cases of conversion.

4. No person or organisation shall give publicity to any case of conversion.

Provisions of Act not to apply in certain cases.

5. The provisions of this Act shall not apply to children born of inter-caste marriages.

Punishment.

6. Any person or member of any religious or social organisation who encourages and performs conversion of a person from one religion to another by force or by material inducement shall be liable to be punished with six months rigorous imprisonment and a fine of rupees five thousand.

STATEMENT OF OBJECTS AND REASONS

It has been seen that religious organisations have been indulging in conversion activities on a large scale. In India a large number of people are illiterate and live below the poverty line. These organisations have taken advantage of this and have converted a number of such people to various religions by offering handsome money and various other facilities. These religious organisations are being financed by various foreign countries for achieving their own ends. Large scale conversions have created a great disorder. These people have been found creating disturbances and law and order problems in the country. They have also spread hatred among various religions. The forcible conversions will one day lead to disunity and disintegration of the country. It is high time that legislation is enacted to ban conversion from one religion to another.

Hence this Bill.

NEW DELHI;
January 7, 1985.

B. V. DESAI

BILL NO. 79 OF 1985

A Bill to provide for regulating admission to medical and engineering colleges and for matters connected therewith.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Regulation of Admission to Medical and Engineering Colleges and Opening of New Institutions Act, 1985.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Students to be admitted on merit.

2. All students eligible for enrolment in a medical or an engineering college shall be admitted only on the basis of merit taking into account the marks secured by them in the examination required to be passed for being eligible for admission to the college.

Opening of new medical and engineering colleges.

3. **New medical and engineering colleges shall be established by the Union Government to provide sufficient number of seats for all the eligible candidates in medical or engineering courses.**

STATEMENT OF OBJECTS AND REASONS

In many States the best students are not able to get admission in medical and engineering colleges as the admission in such colleges is not regulated solely on the basis of merit. They do not take into consideration the marks obtained by such students in the examinations required to be passed for being eligible for admission to such courses. This results in deterioration in the efficiency of such colleges.

2. The number of seats available for admission to medical and engineering colleges is far less than what is required. It is, therefore, essential that the Union Government should take the responsibility of establishing more colleges so that all meritorious students seeking admission to such courses are accommodated.

The Bill seeks to achieve the above objectives.

NEW DELHI;
February 20, 1985.

EDUARDO FALEIRO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of new medical and engineering colleges by the Union Government. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India on the establishment as well as day to day functioning of new colleges. Since the quantum of recurring and non-recurring expenditure likely to be incurred will depend on the number of new colleges that may have to be established, it is not possible to give an estimate of such expenditure at this stage. However, on every college that may be established by the Government a non-recurring expenditure of about rupees 25 lakhs and an annual recurring expenditure of about rupees 5 lakhs is likely to be incurred.

BILL No. 68 OF 1985

A Bill to provide for compulsory vocational education in educational institutions

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Compulsory Vocational Education Act, 1985.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Compulsory vocational subjects at secondary school level.

2. (*1*) **There shall be two vocational subjects in the secondary school level course under the ten plus two system of education.**

(*2*) The two vocational subjects shall be compulsory for all students and no secondary school certificate shall be awarded to any student unless he passes in those two subjects.

Compulsory vocational subject in colleges.

3. There shall be at least one compulsory vocational subject in every degree course offered by a college and every student shall have to pass in that subject before a degree is awarded to him.

Restriction opening of certain educational institutions.

4. After the commencement of this Act, the Government shall not permit the establishment of new high schools and colleges which offer courses only in humanities and social sciences.

Government to establish technical schools and colleges.

5. The Government shall establish throughout the country themselves or through private bodies new technical schools and colleges offering technical and vocational education.

Power to make rules.

6. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our educational institutions, both schools and colleges, are producing certificate holders and graduates year after year in lakhs and most of them after completing their courses find themselves unemployed. They have no useful vocation to follow by themselves. They often get frustrated in life and their energies are diverted to destructive activities like agitations, strikes and the like.

To end this problem, technical and vocational education is the only answer. Vocational education should form a compulsory part in the courses of schools and colleges so that the students after completing their courses can earn their livelihood by getting useful employment in industrial establishments or through self-employment, without looking for white collar jobs.

Hence this Bill.

NEW DELHI;
March 1, 1985.

EDUARDO FALEIRO

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that two vocational subjects shall be compulsorily taught at the secondary school level. Clause 3 provides that at least one vocational subject shall be compulsorily taught in colleges. Clause 5 provides that the Government shall establish more schools and colleges imparting technical and vocational education. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees one hundred crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 74 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1985.

Amendment of article 316.

2. In article 316 of the Constitution,—

(*i*) for clause (1), the following clause shall be substituted, namely:—

"(1) The Chairman and other members of a Public Service Commission shall be appointed by the President:

Provided that in the case of appointment of a member of a Public Service Commission and the Chairman of a Joint Commission or of a State Commission, the Chairman of the Union Public Service Commission shall always be consulted.";

(*ii*) in clause (1A), for the words "as the President, in the case of the Union Commission or a Joint Commission and the Governor of the State in the case of a State Commission, may appoint for the purpose", the words "as the President may appoint for the purpose" shall be substituted;

(*iii*) in clause (2), for paragraph (*a*) of the proviso, the following paragraph shall be substituted, namely:—

"(*a*) a member of a Public Service Commission may, by writing under his hand addressed to the President, resign his office;".

Amendment of article 318.

3. In article 318 of the Constitution, for the words "In the case of the Union Commission or a Joint Commission, the President and, in the case of a State Commission, the Governor of the State may by regulations" the words "The President may by regulations" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Public Service Commissions have been assigned very important duties and powers in the selection of civil servants for manning the affairs of the Union and the States. It is essential to ensure their effectiveness and impartiality in discharge of their duties. As in the case of High Court Judges, the power of appointment of the Chairman and members of Joint Commission or State Commissions should also rest with the President so as to keep these Commissions away from local influences or politics.

Hence this Bill.

NEW DELHI;
March 1, 1985.

K. RAMAMURTHY

BILL NO. 77 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1985.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 74.

2. In article 74 of the Constitution, proviso to clause (*1*) shall be omitted.

Amendment of article 75.

3. In article 75 of the Constitution,—

(*i*) Clause (3) shall be omitted;

(*ii*) Clause (5) shall be omitted;

(*iii*) Clauses (4) and (6) shall be renumbered as clauses (3) and (4) respectively.

Amendment of article 164.

4. In article 164 of the Constitution,—

(*i*) Clause (2) shall be omitted;

(*ii*) Clause (4) shall be omitted.

(*iii*) Clauses (3) and (5) shall be renumbered as clauses (2) and (3) respectively.

Amendment of article 368.

5. In article 368 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

"(2*A*) The provisions of article 108 shall apply to a Bill introduced under this article."

STATEMENT OF OBJECTS AND REASONS

Article 74 of the Constitution envisages that there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President of India in exercise of his functions. Under article 75, the Ministers hold office during the pleasure of the President of India and at the same time they are collectively responsible to the House of the People. Then again a Minister has to be a member of either House of Parliament, if he is not such a member, within the period of six months after he joins the Council of Ministers. Article 164 contains similar provisions in respect of Council of Ministers in the States.

These provisions work as damper in bringing administrative talent in the Council of Ministers entrusted with the task of governing the country. The modern State has assumed responsibilities not only of maintaining law and order but also for managing the social, economic and educational affairs of the society. It is, therefore, necessary that persons well versed in administration and of proven ability and integrity, conversant with local and national problems are inducted into the Council of Ministers without putting them to undergo the travails of elections. Any provision of the Constitution that comes in the way of inducting such persons in the Council of Ministers, whether in the Union or States, should be done away with.

Hence this Bill.

NEW DELHI;
March 1, 1985.

K. RAMAMURTHY

BILL No. 75 OF 1985

A Bill to provide for convening of a Constituent Assembly of India.

WHEREAS the Constitution of India was adopted, enacted and given by the people to themselves in November, 1949 and brought into operation on the 26th January, 1950;

AND WHEREAS the people of India had solemnly resolved to secure social, economic and political justice, equality of status and of opportunity to all citizens of the Republic of India and also to assure dignity of the individual and the unity and integrity of the Nation;

AND WHEREAS the working of the Constitution for more than three decades has revealed that the cherished objectives could not be achieved under the present Constitution;

AND WHEREAS the economic, political and social situation in the country requires that these objectives have to be achieved by the people at the earliest;

AND WHEREAS the existing frame-work of the Constitution stands in the way of further achieving these objectives;

AND WHEREAS demands have been made by Parliamentarians, Legislators, the Press and the Public to bring about structural changes in the Constitution;

AND WHEREUPON it is considered necessary that a Constituent Assembly consisting of the representatives of the people should be called to frame a new Constitution to replace or extensively revise the existing Constitution so that it could be an effective instrument for achieving the cherished objectives of the people of India as enshrined in the Preamble of the existing Constitution;

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title and Commencement.

1. (*1*) This Act may be called the Constituent Assembly Act, 1985.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. The words and expressions used in this Act shall, unless the context otherwise requires, have the meaning as assigned to them in the following clauses:—

(*a*) "Assembly" means the Constituent Assembly of India called in accordance with the provisions of this Act;

(*b*) "Constitution" means the Constitution of India;

(c) "Chairman" means the person so appointed under this Act to preside over the Assembly;

(*d*) "President" means the President of India.

Convening Constituent Assembly.

3. (*1*) If the President is satisfied that a situation has arisen where the Constitution has to be amended in such details that may affect the relationship between the Union and the States, fundamental rights, judiciary and the powers of Parliament and the State Legislatures, shall declare by a notification in the Official Gazette that the Members of two Houses of Parliament shall constitute a Constituent Assembly to consider the various provisions of the Constitution and to amend, modify, vary, omit, add or remodel the entire Constitution, if it so decides.

(*2*) The President shall also appoint the Speaker of Lok Sabha as the Chairman of the Constituent Assembly.

(*3*) The rules of procedure to regulate the business of the Assembly shall be the existing rules of procedure and conduct of business in Lok Sabha with such modifications alteration as may be made by the Chairman from time to time.

(*4*) The existing provisions regarding summoning, adjourning and proroguing the House of the People shall apply *mutatis mutandis* to the Assembly.

(*5*) The venue of the Assembly shall be the Central Hall of Parliament House, New Delhi.

Revision of Constitution.

4. The Assembly shall express its final opinion in the form of an amendment or in the form of a new Constitution, as the case may be, and submit the same to the President for his approval.

Promulgation of revised Constitution.

5. The President shall, after according his approval to such an amendment or the new Constitution as the case may be, promulgate the same by notification in the Official Gazette on a day appointed by him.

Savings.

6. Notwithstanding anything contained in any law, including Constitutional law, for the time being in force, such an amendment or the new Constitution on being promulgated in accordance with section 5 shall be deemed to have been adopted, enacted, and given to themselves by the people of India without prejudice to anything done or purported to have been done under that law.

STATEMENT OF OBJECTS AND REASONS

Our Constitution has been in operation for more than 35 years. Its working has revealed various lacunae in the course of its operation. However, it is found that social and economic objectives, as set out in the Preamble thereto, have yet to be achieved. 35 years period is a long one. People cannot be made to wait for long. It has been demanded by the Parliamentarians, Legislators, the Press and the Public, that the constitution requires thorough revision and structural change. It is, therefore, high time that a Constituent Assembly is convened to consider the various provisions of the Constitution and to amend or remodel the entire Constitution. This can be done by enacting a suitable legislation under entry 97 of the Union List of the Seventh Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
March 1, 1985.

K. RAMAMURTHY

BILL No. 71 OF 1985

A Bill to provide for the taking over of the import and export trade by the Central Government or an agency set up for that purpose.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Import and Export Trade Act, 1985.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "export" means taking out of India by sea, land or air;

(*b*) "import" means bringing into India by sea, land or air;

(*c*) "person" means and includes juridical person, whether an individual or a body, an organisation or an association of persons;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "prescribed authority" means the District Collector within whose jurisdiction a person has his place of normal residence or place of business or any other authority as may be prescribed in this behalf.

Import and export trade only by Government.

3. The import and export of goods of any description across the customs frontiers shall not be carried on by any person other than the Central Government or any corporation set up under the law made by Parliament.

Commercial and financial negotiations with foreigners.

4. No person shall enter into any negotiation or transaction having financial and commercial implication involving foreign exchange with any person outside India without prior permission obtained from the Central Government in accordance with the prescribed manner.

Information about foreign exchange to prescribed authority.

5. (*1*) Notwithstanding any other law for the time being in force, every person who has or is likely to have within a period of one year from the date of commencement of this Act foreign exchange to his credit or to the credit of his successor or a nominee shall disclose its particulars to the prescribed authority in a prescribed manner and in the prescribed form.

(*2*) On receipt of the information under sub-section (*1*), the prescribed authority shall communicate, in the prescribed form, the information so received to the Controller of Imports and Exports, who shall consolidate the information so received in such form as may be prescribed and cause it to be placed before the Council of Ministers of the Central Government at prescribed intervals.

Penalty.

6. If any person contravenes or attempts to contravene, or abets a contravention of, any provision of this Act, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of any other law for the time being in force, be punishable,—

(*a*) where the value of the goods, in relation to which such contravention or attempted contravention or abetment of contravention has been made, exceeds ten lakh rupees, with imprisonment for a term which may extend to seven years and also with fine, and

(*b*) in any other case, with imprisonment for a term which may extend to three years and also with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the Court, such imprisonment shall not be for less than six months.

Power to make rules.

7. (*1*) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(*2*) The Central Government may, while making rules, impose any condition or restriction for the purpose of carrying into effect the provisions of this Act.

(*3*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one

session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal of Act No. 18 of 1947.

8. The Import and Exports (Control) Act, 1947 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The fact that "Black money" is generated on a large scale and used for legitimate and illegitimate purposes has been recognised by all. This money is generated by trade and industry, using various techniques, such as, over invoicing of imports and under valuing of exports, making false declarations about the identity, quality and quantity of goods under import or export. This practice not only upsets the economic planning of the country but also escalates inflation. In order to curb this practice it is essential that the import and export trade be done only by the Government or statutory agencies set up for the purpose.

Hence this Bill.

NEW DELHI;
March 1, 1985.

K. RAMAMURTHY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for carrying on of the trade of import and export by the Central Government. This requires recruitment of some persons to work for the Central Government. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is not possible at this stage to give an accurate estimate of this expenditure. It is, however, likely to involve a recurring expenditure of about rupees one crore per annum.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 67 OF 1985

A Bill to provide for ceiling on marriage expenses.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title, extent and Commencement.

1. (*1*) This Act may be called the Ceiling on Marriage Expenses Act, 1985.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, "marriage expenses" means expenditure incurred during marriage on invitation cards, illuminations, fireworks, luncheon, dinner, ornaments and gifts.

Limit on marriage expenses.

3. The marriage expenses shall be limited to—

(*i*) not more than rupees five thousand in the case of a male; and

(*ii*) not more than rupees ten thousand in the case of a female.

Limit on marriage expenses to be applicable to all.

4. The limit on marriage expenses, as provided under section 3, shall be applicable to all marriages in India irrespective of caste, colour or creed of the bride or the bridegroom.

Punishment.

5. Any violation of the limit imposed under section 3 shall be punishable with fine up to rupees five thousand and imprisonment up to one year.

STATEMENT OF OBJECTS AND REASONS

It has been found that marriages in India are performed by spending lavishly. There have been occasions where the expenses on marriages incurred are to the tune of Rs. 1 crore. This has resulted in corruption in almost all walks of life and such lavish expenditure compels persons to use corrupt practices in their official dealings. All "rituals" are performed traditionally in society due to religious sanctions or false concepts about the status of the upper classes. It is, therefore, absolutely necessary to fix a ceiling on total expenditure on marriages. Any violation of the restrictions should be punishable with fine and imprisonment.

Hence this Bill.

NEW DELHI;
March 6, 1985.

MOOL CHAND DAGA

BILL NO. 70 OF 1985

A Bill further to amend the Salaries and allowances of Ministers Act, 1952.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Salaries and Allowances of Ministers (Amendment) Act, 1985. Short title.

58 of 1952

2. For section 3 of the Salaries and Allowances of Ministers Act, 1952, the following section shall be substituted, namely:— Substitution of Section 3.

"3. There shall be paid to each Minister, other than a Deputy Minister, a salary of four thousand rupees per mensem, and to each Deputy Minister a salary of three thousand rupees per mensem." Salaries of Ministers.

STATEMENT OF OBJECTS AND REASONS

The salaries and allowances of Ministers were fixed in 1952 by the Salaries and Allowances of Ministers Act, 1952 (58 of 1952). Since then these have not been revised. With the steep rise in prices, it has become necessary to revise the salaries and allowances of the Ministers. It is, therefore, proposed to amend the Act to increase the salary of a Minister from two thousand two hundred and fifty rupees per mensem to four thousand rupees and that of a Deputy Minister from one thousand seven hundred and fifty rupees per mensem to three thousand rupees.

Hence this Bill.

NEW DELHI;
March 8, 1985.

MOOL CHAND DAGA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for increasing the salary of a Minister from two thousand two hundred and fifty rupees per mensem to four thousand rupees per mensem and that of a Deputy Minister from one thousand seven hundred and fifty rupees per mensem to three thousand rupees per mensem.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an additional recurring expenditure of about rupees ten lakhs per annum only.

No non-recurring expenditure is likely to be involved.

BILL NO. 72 OF 1985

A Bill to prevent the imposition of social disabilities by a member or members of a community on a member or members of his or their own community; to provide for penalties for such an act or acts and for matters connected therewith.

BE it enacted by Parliament in the Thirty sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Social Disabilities Act, 1985 Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "community" means a group of members who are connected together by birth, conversion or performance of religious rites or ceremonies or who belong to the same religion or religious creed and includes a caste or sub-caste;

(b) "member" means a person, whether male or female, who is a member of any community.

Imposition of social disabilities.

3. Any member who commits any of the following act or acts shall be deemed to have imposed social disability on a member of his community if he—

(*a*) denies, prevents or obstructs or causes to deny, prevent or obstruct any member of his own community from having access to or from using any place of worship or prayers or any place intended to be used for performing any religious ceremony or rite, prevalent or practised in his community;

(*b*) prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or from using any place used or intended to be used for a charitable, religious or public purpose and established, run, or maintained wholly or partly by his own community for and on behalf of the community and which is normally available for use to or by any member of his own community;

(*c*) prevents or obstructs or causes to prevent or obstruct any member of his community from enjoying any benefit under a charitable trust or wakf created for the benefit of his community;

(*d*) prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or using the facilities of any school, educational institution, medical institution, community hall, club hall, cemetery, burial ground or any other place used by or intended to be used by, or for the benefit of, his community;

(*e*) prevents or obstructs or causes to prevent or obstruct any member of his community from observing any social or religious customs or usage or ceremony or from taking part in a social or religious functions, congregation assembly, meeting or procession;

(*f*) prevents or obstructs or causes to prevent or obstruct any member of his community from establishing or maintaining such social, professional, or business relations as he would ordinarily establish or maintain with other members of his community;

(*g*) incites, provokes, or encourages any member of his community, directly or indirectly, to sever social, religious, professional or business relations with any other member or members of his community;

(*h*) refuses or denies or causes to refuse or deny to any member of his community the right to perform such marriage, funeral or other religious ceremonies and rites as the members of his own community usually and ordinarily perform;

(*i*) prevents or obstructs or causes to prevent or obstruct any member of his community from entering, lodging in or otherwise using any *Dharamshala Sarai* or *Musafarkhana* which is ordinarily open to members of his community; or

(*j*) prevents or obstructs or causes to prevent or obstruct any member of his community from entering or using any place of worship, such as, *temple, mosque, church, gurudwara* or any cemetery, crematorium or burial ground which is ordinarily open to members of his community.

Penalties

4. (*1*) Whoever imposes any social disability on any member of his community shall on conviction be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

(*2*) Whoever aids or abets in the commission of any offence punishable under this Act or connives at the commission of any such offence or harbours any offender or destroys any evidence shall on conviction be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

Offences under this Act to be cognizable and compoundable.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act— 2 of 1974.

(*a*) shall be cognizable, and

(*b*) may, with the permission of the Court, be compoundable.

Police Officers to take action in cases of imposition of social disabilities.

6. (*1*) A police officer may—

(*a*) remove or cause to be removed any barricade or obstruction erected, placed or found in any place, if such police officer has reasonable ground to believe that the barricade or obstruction was so erected or placed in order to be used for the purpose of committing an offence under this Act; or

(*b*) open or cause to be opened any gate or door, if such police officer has reasonable ground to believe that such gate or door was closed for the purpose of committing an offence under this Act.

(*2*) Whenever a police officer has reasonable ground to believe that any person is likely to commit an offence under this Act, he may arrest such person without a warrant and deliver him into the custody of the officer-in-charge of a police station who may either release the person arrested on his executing a bond, with or without sureties, for his appearance in a Magistrate's Court or take or cause to be taken the person arrested before a Magistrate within twenty-four hours after the arrest.

(*3*) When a person appears before a Magistrate in compliance with a bond executed by him under sub-section (*2*) or is brought before a Magistrate, he may require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period not exceeding three years as the Magistrate may think fit and if after due inquiry, the Magistrate is satisfied that such person should execute a bond, with or without sureties, the Magistrate shall make an order accordingly and the provisions of section 107 and sections 112 to 123 (both inclusive) of the Code of Criminal Procedure, 1973, shall apply to or in relation to all orders to furnish security made under this sub-section. 2 of 1974.

STATEMENT OF OBJECTS AND REASONS

The outdated and unconstitutional practices such as untouchability, boycotts, etc., are still practised in various communities in the country, resulting in great harassment to individuals or groups. The harassment so caused, naturally gives rise to ill-feeling and disharmony towards each other. This has far-reaching effects on the social life of the community. It is, therefore, necessary to root out these evils by putting a stop to the imposition of the various social disabilities. The objective can be achieved by enacting a suitable legislation for the purpose and also for providing punishment to those who indulge in such evil practices.

Hence this Bill.

NEW DELHI;
March 8, 1985.

MOOL CHAND DAGA

BILL No. 69 OF 1985

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Penal Code (Amendment) Act, 1985.

Omission of section 309.

45 of 1860.

2. Section 309 of the Indian Penal Code, 1860 shall be omitted.

Cessation of pending trials, etc.

3. Any prosecution, trial, inquiry or investigation pending in respect of an offence under section 309 of the Indian Penal Code shall cease and stand terminated.

STATEMENT OF OBJECTS AND REASONS

Section 309 of the Indian Penal Code provides punishment for attempts to commit suicide, whereas the person who actually commits the 'offence', that is suicide, is beyond the reach of the law.

Only those persons who are facing starvation and a slow death, or are otherwise in the grip of dire economic necessity or are labouring under intolerable mental or emotional strain leading to depression and frustration resulting in detachment from normal life, attempt to commit suicide. It is undesirable and improper to penalise such persons. They should, on the contrary, be sent to a reformatory or a correctional-house, or given economic or financial assistance, or provided mental or psychiatric treatment.

The legal framework of the country in respect of suicides must be re-oriented so that people who commit 'suicides' are regarded as sick persons rather than criminals. Attempted suicide is a crime in India but in most advanced countries attempted suicide is not regarded as a crime in the eyes of law.

It is accordingly proposed to amend the Indian Penal Code so as to make any attempt to commit suicide not a penal offence.

NEW DELHI;
March 8, 1985.

MOOL CHAND DAGA

SUBHASH C. KASHYAP,
Secretary-General.

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